

**Municipal Cost Saving Opportunities through changes at the State Level**

Town of Westford

State Law/Mandate	Description of Impact	Estimated FY09 cost to comply or per project cost	Recommendation
<b>Environmental</b>			
Water Management Act Permit	As part of the amended Water Management Act Permit Amendment #9P-3-3-330.01 (Merrimack River Basin) issued to the Town of Westford, Massachusetts on March 26, 2008, the Town must meet certain "Minimum Water Conservation Requirements" pertaining to "Residential and Public Sector Conservation." These requirements include: 1. submitting a "status report detailing which municipally owned public buildings in the Westford Water Department's service area have been retrofitted with water saving devices (faucet aerators, low flow shower heads and low flow toilets) and which of those buildings have yet to be retrofitted, along with a schedule to complete the retrofitting by January 1, 2012," and 2. "On or before January 1, 2012, the Town of Westford shall ensure that all the municipally owned public buildings in the service area of the Westford Water Department are retrofit."	The status report was completed and submitted to MassDEP and indicates that a total of 154 toilets, 22 faucets, and 1 urinal would need to be retrofit as part of this unfunded mandate. This requirement would make it necessary to replace these fixtures despite the fact that they work fine. The estimated cost to complete these upgrades is over \$120,000. The water saved is .46% of the town water used on an annual basis.	Eliminate the requirement to retrofit all fixtures by January 1, 2012 and allow Towns to replace fixtures as needed with the assurance that they will be replaced with water saving devices.
NPDES Phase II	MA DEP requires the Town to hold a general permit, issued by the EPA, in order to discharge storm water runoff into the waters of the U.S. The Town has to file reports, acquire permits, attend meetings, receive training, hire consultants, hold hearings, create by-laws, write regulations and finance capital improvements.	\$100,000 not including dedicated staff hours. (The Town is req'd to file a Notice of Intent in '09 that will cost \$15,000; Req'd employee training and public education at \$5,700; Illicit discharge and outfall testing at \$65,000; Req'd Minimum Measures at \$25,000).	Fines and penalties collected by MA DEP from polluters should be distributed to the local jurisdiction to offset the cost of this EPA unfunded mandate.
<b>Procurement and Construction</b>			
Prevailing Wage Law	The prevailing wage law requires towns to pay a much higher labor rate for construction projects and other day to day general maintenance items than the private industry. In one analysis of private sector rates for construction labor and backhoe operators, it was showed that the prevailing wage was 1.73 - 2 times the private sector rate.	The Town of Westford is proposing to build a new senior center at the cost of \$4 million dollars. Due to prevailing wage, the Town will be required to pay approximately \$450,000 more in labor costs than it would if it paid competitive wages for the same project. Prevailing wage also causes all our day to day general maintenance costs to be higher, for example approximately \$150,000 - \$200,000 more per year for highway operations alone.	Analyze the purpose of the law and determine where there are opportunities to save municipalities money by changing this law, taking into consideration the impact of the requirement to accept the lowest bid. Possibilities for change include: 1. Eliminate prevailing wage for all projects under a certain dollar amount, 2. Have self-funded projects be exempt from the prevailing wage, 3. eliminate the law, and 4. change the wage rates within the prevailing wage law to be more competitive with the private sector.
Owner's Project Manager (OPM)	State procurement laws require the Town to hire or assign a professional to act as a consultant on all building projects estimated to cost \$1.5 Million or more.	\$250,000 (\$100,000 for the Senior Center and \$150,000 for the Town Hall). Estimate assumes Design Services at 10% of project cost and OPM at 25% of Design Services.	Eliminate the requirement for OPM. (Construction Control 780 CMR 116.00 already delineates the responsibility of registered design professionals required for buildings and structures.)

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Procurement Law: repairs and maintenance of town buildings	Every repair and maintenance project of town buildings is required to meet bid laws.	Time delays, prevailing wage and lowest price offer requirements result in an undue financial burden to the town.	Increase the thresholds for repairs or maintenance to municipal buildings, allowing them to award contracts of up to \$25,000 based on sound business practices and to award contracts of greater than \$25,000 after soliciting three quotations.
Procurement Law c. 149	Filed sub-bid selection requirement for all construction which are estimated to cost no less than \$10,000.	Filed sub-bidders can demand payment directly from town as owner, side stepping the general contractor. This imposes time and legal expenses on the town as owner. Filed sub-bidders have to be DECAM certified. This requirement destroys existing relationships between general contractors and sub-bidders. A less than good relationship or familiarity between a general contractor may result in increased costs to the town as owner. Further, per filed sub-bidder requirement, the town as owner does not have a single point of control relative to a construction project. Multiple points of control increase liability to the town as owner and is disruptive to management of the construction process. Further, there is a limited pool of DECAM certified filed sub-bidders thereby limiting choice and control of sub-bidder by the general contractor.	Eliminate the filed sub-bidder requirement to help streamline the procurement process.
Procurement MGL C7	Set design fee or set not to exceed fee limit in RFP	Setting the design fee in the RFP limits the probability of bids coming in substantially lower than the fee specified in the RFP.	Eliminate this requirement.
<b>Schools</b>			
Special Education	Parent mediations, hearings and arbitration can result in extraordinary legal costs for local districts. Either this process should be limited in terms of the length of the appeal process, or the state should provide reimbursement.	\$40,000.00	Eliminate this requirement, or provide reimbursement to communities.
Integrated Pre-School	Integrated pre-school program requires a ratio of regular education/special education children. This ratio requires more staff and supplies than if there was a smaller ratio.	\$100,000	Reduce the ratio such that the ratio of mainstream students to special education students is no more than 30%.
Coordinated Program Review	There are a significant number of hours devoted to preparing documents and reports for this accountability process. Subsequent corrective recommendations require considerable clerical, professional and administrative time.	\$10,000	Reduce or eliminate this requirement.
EPIMS	This data collection requirement consumes an extraordinary amount of time. The data is cut so finely that the value of it for policy development is questionable.	\$10,000	Reduce the granularity of the reporting.
Charter Schools	We lose Chapter 70 aid for each child who attends a Charter School. Funds are taken from local communities that could potentially be used for innovative programs, on the assumption that only Charter Schools can be innovative.	\$30,000	Provide a separate funding source for Charter Schools.
Special Education	There is currently no reimbursement for transportation for special education students.	\$500,000	Provide financial incentive for local communities to share services such as special education transportation.

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<b>Other</b>			
Animal Control Surcharge. Proposed legislation (SD671 - S00512) sponsored by Sen. Jehlan (2nd Middlesex). The Town would be required to forward \$3 from every dog license to to pay for animal control administration, which may include training, assessing fines, registration, shelters, reporting requirements and for a spay/neuter program.	This will take municipal money out of the local budget that is used to offset the administrative cost for licensing and enforcing local and state animal control laws.	\$6,600 in revenue based on the sale of 2,200 licenses in 2008, plus administrative costs to collect and forward the money to the state.	Eliminate the \$3 surcharge from the legislation. Collect the money from fines and through a voluntary tax check box as defined in proposed legislation (SD1352-refile number not yet assigned). This bill would create a voluntary tax check-off to prevent pet overpopulation through spaying and neutering. The license fee collected by the town should stay in the town to offset the cost of maintaining animal control services in town.
Proposed legislation to <b>eliminate check out tables</b> at the polls on election day	This would reduce the staffing needed at the polls on election day.	\$1,530 per election (\$4,590 in FY09).	Eliminate the need for check out tables as they do not provide additional election security. There is no way to rectify errors between check-in and check-out books at the end of the night without voter confirmation.
Impact Fees	Municipalities "negotiate" infrastructure improvements from development.		Amend state regulations to require development impact fees to address infrastructure and maintenance costs.
MGL- 105 CMR 480.000- Minimum Requirements for the Management of Medical or Biological Waste	Town will be required to pay for sharps disposal since residents are unable to throw in the trash as of June 2010.	Unclear at this point as the number of diabetics/animals/fertility drugs etc. is unknown. Westford has budgeted \$4000.	Return more local aid to offset cost or repeal law and continue as we have done previously, with strong education campaign.
Public Records Law	Law has no provision for electronic storage.	Potential to reduce storage, reproduction, access time and mileage.	Amend Public Records Law to allow storage of public documents in an electronic format.
State gas tax	Municipalities are required to pay the state's gas tax on gasoline and diesel fuel. The tax is currently set at \$0.21 per gallon. Municipalities are exempt from paying the federal gas tax.	The Town of Westford, general government, public safety and works, health and human services uses an estimated 100,000 gallons of fuel per year. The cost is \$21,000 per year. Exclusive of the buses, the Schools use an estimated 32,000 gallons per year, at a cost of \$6720.	Exempt all vehicles used in municipal service from the state's gasoline tax.
Programming ADA accessible voting machines - Partial Federal funding for state to purchase and program machines for all elections through 2008. State Constitution requires availability of machines at all elections. State no longer pays for programming at local elections	Estimated at \$1,000 per machine for local elections, totalling \$5,000 in Westford. Cities and towns with higher populations face even larger cost burdens.	\$5,000	Federal or State government should continue to cover the cost to program ADA machines for local elections instead of migrating to an unfunded mandate.
Police/Fire Academy	Salaries born by municipalities.		Create a state fund to pay salaries of trainees.